



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE July 7, 2006 LOCAL EFFECTIVE DATE July 21, 2006 APPROX FINAL EFFECTIVE DATE August 11, 2006	CONTACT/PHONE Ryan Hostetter 805-788-2351	APPLICANT Karen Bewley (Caltrans)	FILE NO. DRC2005-00197
SUBJECT A Request by Karen Bewley (CalTrans) for a Minor Use Permit/Coastal Development Permit to construct an earthen buttress to repair a failed slope on State Route 46 West. The project will result in the disturbance of approximately 885.8 feet (270 meters) along the right-of-way of Highway 46 West. The proposed project is within the Agriculture land use category and is located on the north side of Highway 46 West, ½ mile east of the junction of State Route 46 West and Highway 1. The site is in the North Coast Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2005-00197 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued on August 12, 2003 by Caltrans.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Geologic Study Area, Streams and Riparian Vegetation, Sensitive Resource Area, Flood Hazard, Local Coastal Program	ASSESSOR PARCEL NUMBER 013-171-023 project is located within Highway right-of-way	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Site Selection Does the project meet applicable Planning Area Standards: Yes - see discussion			
LAND USE ORDINANCE STANDARDS: Geologic Study Area Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Public state highway surrounded by grazing and farmland.	
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture/farmland East: Agriculture/Grazing land South: Agriculture/Grazing land West: Agriculture/Grazing land	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Cambria CSD (Water/Sewer), County Fire (CDF), RWQCB, Coastal Commission, and the North Coast Advisory Council (Cambria).	
TOPOGRAPHY: Moderately sloping	VEGETATION: Grasses
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: CDF/County Fire	ACCEPTANCE DATE: May 10, 2006

PLANNING AREA STANDARDS:

*North Coast Area Plan Areawide Site Selection Standard no. 6:
 Under the North Coast Area Plan Rural Area Standards there are criteria given for site selection of new development visible from Highway 1. Site selection standards do not apply in this case because there are no alternative locations for repairing the slide along Highway 46. The project includes grading and creation of an earthen buttress which shall be seeded prior to finalization of construction to eliminate visual changes as a result of the grading from Highway 1.*

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

The following combining designations are present within the vicinity of the project site: Geologic Study Area, Streams and Riparian Vegetation, Sensitive Resource Area, and Flood Hazard Area. The area of construction however, is outside of these combining designations. The construction involves repair work within the highway right-of-way, and acquiring an additional 2.19 acres of right-of way from the adjacent property on the north side of the highway (APN 013-171-023). The project is located approximately 295 feet from Green Valley Creek, and there will be no impacts to the creek, nor will any 401, 404, or 1601 permits be needed for the proposed project.

Environmentally Sensitive Habitats: Caltrans has submitted a biological evaluation for the construction site (Dave Hacker & James Tkach July 17, 2003). The evaluation found a patch of Cambria morning glory and no other sensitive species. The report stated that the loss of the small patch of Cambria morning glory with construction of the earthen buttress would not represent a potentially significant impact to the species. An extensive population would remain unaffected immediately adjacent to the site.

Archaeologically Sensitive Areas: While the project is not located within this combining designation, a cultural resource study was completed for the project area where operational

improvements are proposed. A Negative Archaeological Survey Report was prepared (Terry Joslin July, 2003). With the results of this survey, no mitigation is required.

COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A

Recreation and Visitor Serving: ☒ N/A

Energy and Industrial Development: ☒ N/A

Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A

Environmentally Sensitive Habitats: Policy No(s): 1, 20, 21, and 28

Agriculture: ☒ N/A Impacts to agricultural resources are not significant because the project is mostly located within the highway right-of-way, and there will be some fill on the agricultural property, however this will only be a small portion of the 310 acre property the project is located on. The applicant has also submitted a letter from the NRCS dated June 20, 2003 which states that there are minimal impacts to agricultural resources.

Public Works: ☒ N/A

Coastal Watersheds: Policy No(s): 8, 9, and 10

Visual and Scenic Resources: ☒ N/A

Hazards: ☒ N/A

Archeology: Policy No(s): 4, and 6

Air Quality: ☒ N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Environmentally Sensitive Habitats

Policy 1: Land Uses within or adjacent to Environmentally Sensitive Habitats. All project improvements are proposed to be located a minimum of 295 feet (90 meters) (at the closest point) from the upland extents of the environmentally sensitive habitat (Green Valley Creek, a coastal stream). No native or riparian vegetation or wetland habitat associated with the coastal stream tributary will be removed or impacted as a result of proposed project.

Policy 20: Coastal Streams and Riparian Vegetation. The proposed project will not impact the identified coastal stream or associated riparian vegetation. No native vegetation associated with the coastal stream is proposed for removal and appropriate devices to assure all construction activities will not impact the habitat will be in place before the start of construction activities.

Policy 21: Development in or Adjacent to a Coastal Stream. The proposed project will not degrade the coastal stream habitat and will be compatible with the continuance of the habitat because adequate sediment and erosion and sediment control measures will be in place during construction activities; therefore; no impact to the coastal stream is anticipated.

Policy 28: Buffer Zone for Riparian Habitats. In rural areas, a setback of 100 feet between any new development and the upland edge of riparian habitats is required. The closest portion of the proposed project is to be located approximately 125 feet from the upland edge of the riparian habitat adjacent to the site.

Coastal Watersheds

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is potential for sedimentation and erosion. Appropriate sedimentation and erosion control devices will be required to be in place within 48 hours of a predicted rain event if grading activities will be occurring between October 15th and May 15th. Permanent sediment and erosion control will be in place by the completion of the project.

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures shall be utilized to minimize erosion and sedimentation. Measures will be used from the start of construction to ensure proper erosion and sediment control. The applicant has included a detailed *Water Pollution Control Plan* as well as a *Drainage Plan* with detailed drainage calculations.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. The applicant has submitted a drainage plan which will ensure that drainage will not increase erosion from project improvements.

COMMUNITY ADVISORY GROUP COMMENTS:

AGENCY REVIEW:

Public Works- "No Concerns"

Cambria Community Services District – None received as of June 8, 2006

California Coastal Commission - None received as of June 8, 2006

LEGAL LOT STATUS:

The project is located in Caltrans right of way on State Route 46, and on APN 013-171-023 which is a legal lot because previous permits have been issued for the project site.

Staff report prepared by Ryan Hostetter and reviewed by Mike Wulkan.

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 1) pursuant to CEQA Guidelines Section 15301 because the project includes minor grading which will not impact any sensitive species or habitats. The Categorical Exemption was issued by Caltrans on August 12, 2003.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the stabilization project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the grading and earthen buttress is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project will not increase vehicle trips to the project site other than construction vehicles during construction activities.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes
 - a. A Request by Karen Bewley (CalTrans) for a Minor Use Permit/Coastal Development Permit to construct an earthen buttress to repair a failed slope on State Route 46 West. The project will result in the disturbance of approximately 885.8 feet (270 meters) along the right-of-way of Highway 46 West. The proposed project is within the Agriculture land use category and is located on the north side of Highway 46 West, ½ mile east of the junction of State Route 46 West and Highway 1.
2. Prior to finalizing of construction the applicant shall ensure that proper erosion control seeding will be installed to effectively eliminate visual changes associated with the ground disturbance.

On-going conditions of approval (valid for the life of the project)

3. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
4. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

Memorandum

To: Lisa Lowerison
Project Manager

Date: May 14, 2004

File: 05-SLO-46-KP 1.1/1.6
(PM 0.7/1.0)
05-468600
Earth Buttress Embankment

From: **DEPARTMENT OF TRANSPORTATION
DISTRICT 5**

Subject: Transmittal of Site Investigation Report

Attached is a copy of the Final Site Investigation Report for State Route (SR) 46 Slide Stabilization and Realignment Project as referenced above. Geocon Consultants Inc., an environmental consultant working for Caltrans, performed the site investigation under Task Order contract 05-468600-TN. The findings from this investigation are based on plans provided by District 5 Design Branch.

The purpose of the study was to determine if elevated levels of NOA (naturally occurring asbestos) and/or ADL (aerially deposited lead) were present and in quantities enough to pose a significant health risk to workers performing construction and maintenance activities and to determine if there are any restrictions regarding disposal of excavated materials. A total of twenty-six soil samples were collected for laboratory analysis; four bulk samples for asbestos, two samples for pH, twenty samples for lead.

Based on laboratory results from their investigation, Geocon concluded that there should be no associated health risks at the project site and restrictions on soil disposal due to the absence of NOA and low levels of ADL.

The total lead concentrations of ADL ranged from 4 mg/kg to 36 mg/kg. All twenty samples tested for ADL had reported concentrations of less than 50 mg/kg which is less than ten times the STLC (Soluble Threshold Limit Concentration) value of 5 mg/l. The maximum UCL (upper confidence limit) was 24.0 mg/kg. Therefore, soils disturbed by construction activities can be reused and/or disposed of without the restrictions, as this material is not hazardous. Since NOA was not reported to be present in soils and not likely to be encountered within the proposed excavation sites, requirements for dust mitigation for air born asbestos from construction activities will not be required.

There was no evidence within or outside the project site boundary that may have indicated generation of other hazardous substances such as storage tanks, drums, petroleum product containers, pits, ponds, lagoons or wells, or evidence there of including stained soils or pavement, stressed vegetation, waste water, or odors.

If there is a change in the nature or scope of the project please submit a supplemental request for a hazardous waste assessment to cover the changes in the project.

Please call me at Public (805) 549-3487 or Calnet 8-629-3487 if I can answer any questions.

ISAAC V. LEYVA



Engineering Geologist

Attachment

cc:

David Fapp – Design 05

Brandy Rider – Environmental

Memorandum

To: Manual Ornelas
Design Engineer

Date: June 5, 2003

File: 05-Mon-198-KP 29.9/30.2
(PM 18.5/18.8)
05-396300
Realign Roadway

From: Isaac Leyva
DEPARTMENT OF TRANSPORTATION
District 5 Environmental Engineer

Subject: Supplemental Site Assessment.

Revised Initial Site Assessment

District 5 Environmental Engineers Mr. James Tkach and Mr. Isaac Leyva conducted a follow up field review of the above referenced project on January 21, 2003. The project proposes to realign the roadway to the right of existing alignment so to retreat from an active slide. There were no apparent indications of hazardous waste in the project limits. There does not appear to be any hazardous waste sites or businesses commonly associated with hazardous waste generation nearby that would have a potential for impacting the proposed project. Due to the low ADT (900) and the large volume of material being excavated, Aerially deposited lead should not be an issue.

There were no obvious hazardous waste issues. However there was fill material that had been placed on the down hill portion of the slide. This fill material appeared dissimilar from the slide parent material. Upon review of the area it appeared this material had been brought in from a source area near by. It was determined the materials found were made of serpentinitic coluvium that may contain naturally occurring asbestos (NOA).

The presence of NOA is a potential health and safety issue should this material be disturbed as part of the construction project. A task order to perform sampling to determine if NOA is present was prepared. Unfortunately due to current budgetary constraints task orders were being funded based on a statewide priority basis. Competition for the limited funds caused numerous task orders statewide to go unfunded. Now a task order will not be able to be funded until some time after the statewide budget is approved. This should not impact PA&ED delivery since this is not an environmental issue but may affect PS&E delivery since it is a potential health and safety issue.

Sampling needs to be completed prior to PS&E so appropriate special provisions can be placed in the construction contract to ensure the health and safety of the construction workers. In addition if NOA is present, this material will have to be handled in accordance with the Local and State Air Board regulations limiting the use and placement of this material which should also be detailed in the special provisions for the project. The task order will be ready to offer to a contractor as soon as possible after the budget is approved. We are not able to anticipate when this will occur.

A possible alternative (but not preferable) method to avoid delay to PS&E would be to do the following. A memo could be placed in the RE file to have the RE write a Change Order as the first item of work. The Change Order would be to use the Construction

Emergency Contract to have a consultant come out and perform the sampling. If NOA is found to be present, the consultant could have a Certified Industrial Hygienist prepare a Health and Safety Plan and perform any air monitoring that may be required. It would be necessary to include an estimated \$10,000.00 in the contingency funds for the project to cover this work. This is not a preferable method since the Construction Emergency is to be used for materials not previously expected to be found at the work site but this method is offered as a method to consider to avoid delaying the project due to the statewide budget issue.

This determination is based on the plans provided. If there is a change in the nature or scope of the project please submit a supplemental request for a hazardous waste assessment to cover the changes in the project. If you have any questions or comments, please contact Isaac Leyva at Calnet 8-629-3487 or (805) 549-3487.

IVL:ivl

cc:

Lisa Johnson -Environmental Planning
Val Levulett – Environmental Planning

Memorandum

To : **Lisa Johnson**
Environmental Planning

Date: August 9, 2003

File No.: SLO 46 PM 0.8/1.3
05- 46860k
Re-stabilize slope

From : **Bob Carr**
Landscape Architecture
549-3083

Subject : **Scenic Resource Evaluation and Visual Assessment**

The proposed project to re-stabilize the failing embankment slope on Highway 46 at kilopost 0.8/ 1.3 (postmile R0.51/R0.82) has been reviewed for potential impacts to visual resources.

The project proposes to reconstruct the slope by implementing one of the following alternatives:

- Earthen buttress
- Tie-back wall
- Stabilizing trench

The project location is visible from Highway 1, a State Scenic Highway and National Scenic Byway. Visibility to the project site from Route 1 is at a viewing distance of approximately one-half mile and lasts approximately fifteen seconds travelling in the southbound direction. The view to the project from Highway 1 is generally perpendicular to the direction of travel and outside of the driver's primary cone-of-vision. Because of the viewing angle and distance, the project will appear as a relatively small element in the overall viewshed. For travelers on Highway 46, the majority of the project will not be visible because of the proposed location of the construction below the roadway and because of the existing road alignment. No significant trees or other vegetation will be removed as part of the project.

Following is an analysis of each of the proposed alternatives:

Earthen buttress - From the critical viewing area on Highway 1, the earth buttress alternative will appear as a engineered fill slope in the distance. Immediately after construction, the new slope will contrast with the grass-covered adjacent landscape. However with the application and establishment of erosion control seeding, the slope is expected to visually blend with the surrounding landscape. Once the constructed slope has aged and grasses have re-established themselves, the earth buttress will be largely un-noticed in the landscape.

Tie-back wall - This alternative will introduce a new structure into this scenic environment. Because of the viewing distance from Route 1, the potential noticeability of the wall will be based primarily on its visual contrast with the surrounding landscape. If the color of the wall is designed to blend with the adjacent soil and grassland, the wall will not be as recognizable in the distance and will be more visually compatible with its setting.

Stabilizing trench - Visual evidence of this alternative from Highway 1 will be mostly limited to the engineered-appearing slope. Post-construction ground disturbance will be noticeable from Route 1. As seen from Highway

1, erosion control seeding will effectively eliminate visual changes associated with the slope and disturbance to the ground plane.

As a result, no adverse visual impacts are expected as a result of the proposed project's alternatives. In general, once the exposed earth has been re-established with grasses, the project is expected to sufficiently blend with the surroundings and not detract from the existing rural character of the area. Although the proposed tie-back wall has the potential to be noticeable, application of an appropriate color will cause the wall to recede from view and blend with the setting.

In addition, this review indicates that the project will not adversely affect any "Designated Scenic Resource" as defined by CEQA statutes or guidelines, or by Caltrans policy.

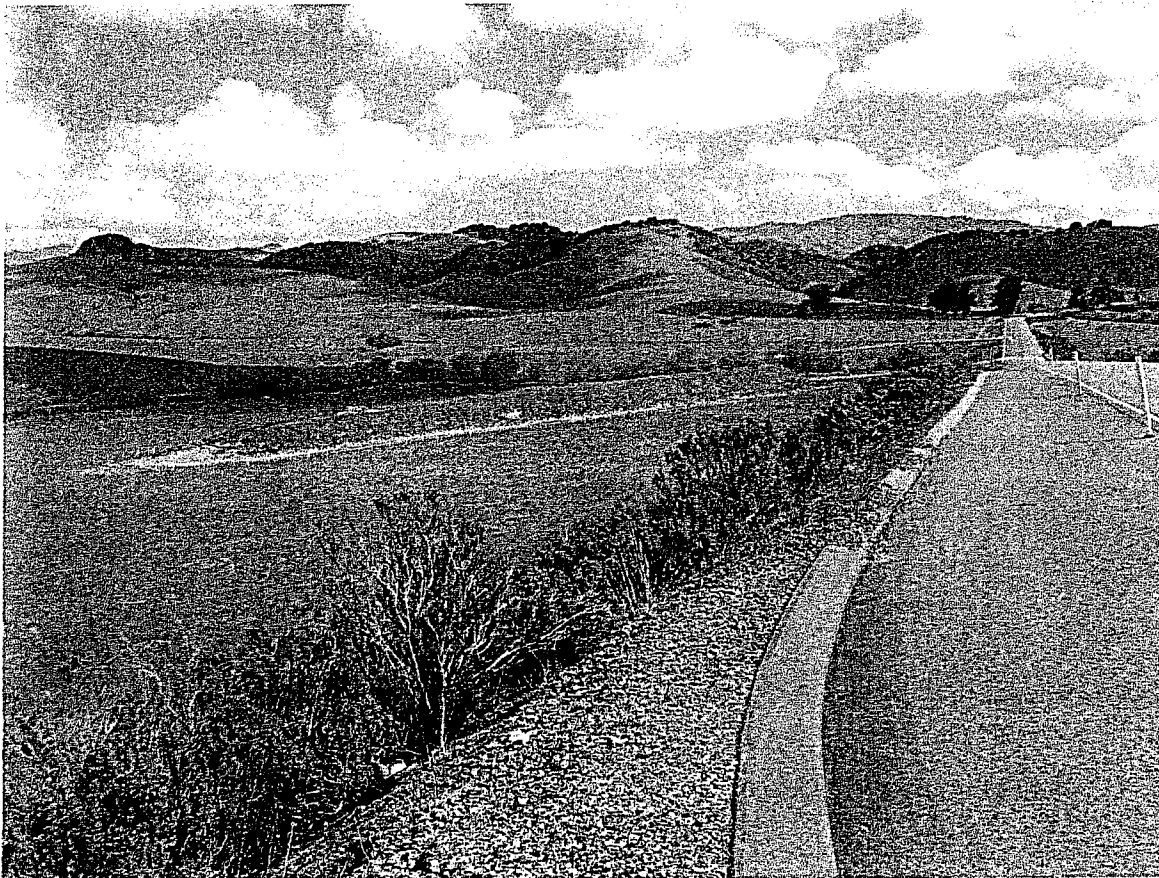
cc:projfile



Photograph 3. Westbound view of the failed slope (April 7th, 2006).



Photograph 1. Eastbound view of stored material (March 24th, 2006).



Photograph 2. Eastbound view of stored material (April 7th, 2006).

United States Department of Agriculture



Natural Resources Conservation Service
65 Main Street, Suite 108
Templeton, California 93465
Telephone: (805) 434-0396 Fax (805) 434-0284

June 20, 2003

Mr. Ryan Todaro
Associate Environmental Planner
Department of Transportation
50 Higuera Street
San Luis Obispo, CA 93401-5415

Subject: SLO-46 Slope Repair Project: Farmland Conversion Impact Rating

Dear Mr. Todaro:

Here is the Farmland Conversion Impact Rating you requested for the SLO-46 Slope Repair Project. I have completed Parts II, IV and V as required by NRCS. I have added values to Part VI as a guide to you; you have no obligation to use these values

Thanks for asking.

A handwritten signature in black ink, appearing to read "Ken Oster".

Ken Oster
Area Resource Soil Scientist

Email: ken.oster@ca.usda.gov





U.S. Department of Agriculture


FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 6/11/03			
Name Of Project Cambria Slope Stabilization		Federal Agency Involved Federal Highway Administration			
Proposed Land Use State Transportation Facility (Highway 46)		County And State San Luis Obispo, California			
PART II (To be completed by NRCS) *		Date Request Received By NRCS 6-18-03			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form).		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Acres Irrigated 47,479	Average Farm Size 704
Major Crop(s) Barley, Grain Hay, Wine Grapes	Farmable Land In Govt. Jurisdiction Acres: 304,740 % 13.2	Amount Of Farmland As Defined in FPPA Acres: 358,025 % 15.5			
Name Of Land Evaluation System Used California Storie Index	Name Of Local Site Assessment System None	Date Land Evaluation Returned By NRCS 6-19-03			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		3.3			
B. Total Acres To Be Converted Indirectly		0.0			
C. Total Acres In Site		327.0	0.0	0.0	0.0
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		0.42			
B. Total Acres Statewide And Local Important Farmland		0			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted		0.0001			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value		Do not have data			
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)		0 59	0	0	0
PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))		Maximum Points			
1. Area In Nonurban Use	15	15			
2. Perimeter In Nonurban Use	10	10			
3. Percent Of Site Being Farmed	20	3			
4. Protection Provided By State And Local Government	20	3			
5. Distance From Urban Builtup Area	-				
6. Distance To Urban Support Services	-				
7. Size Of Present Farm Unit Compared To Average	10	5			
8. Creation Of Nonfarmable Farmland	25	4			
9. Availability Of Farm Support Services	5	5			
10. On-Farm Investments	20	0			
11. Effects Of Conversion On Farm Support Services	25	0			
12. Compatibility With Existing Agricultural Use	10	0			
TOTAL SITE ASSESSMENT POINTS	160	0 45	0	0	0
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	0 59	0	0	0
Total Site Assessment (From Part VI above or a local site assessment)	160	0 45	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	0 104	0	0	0
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Reason For Selection:					



SLO-46-PM 0.5/0.8, EA46860
Dept. of Conservation Farmland 2000 Data
Potential Impacts within Proposed ROW

	Farmland of Local Potential
	Proposed Right-of-Way (ROW)
	Proposed Construction Easement
	Existing Fence Line

 Grazing Land

[Code of Federal Regulations]

[Title 7, Volume 6]

[Revised as of January 1, 2003]

From the U.S. Government Printing Office via GPO Access

[CITE: 7CFR658.4]

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TITLE 7--AGRICULTURE

CHAPTER VI--NATURAL RESOURCES CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

PART 658--FARMLAND PROTECTION POLICY ACT--Table of Contents

Sec. 658.4 Guidelines for use of criteria.

As stated above and as provided in the Act, each Federal agency shall use the criteria provided in Sec. 658.5 to identify and take into account the adverse effects of Federal programs on the protection of farmland. The agencies are to consider alternative actions, as appropriate, that could lessen such adverse effects, and assure that such Federal programs, to the extent practicable, are compatible with State, unit of local government and private programs and policies to protect farmland. The following are guidelines to assist the agencies in these tasks:

(a) An agency may determine whether or not a site is farmland as defined in Sec. 658.2(a) or the agency may request that NRCS make such a determination. If an agency elects not to make its own determination, it should make a request to NRCS on Form AD-1006, the Farmland Conversion Impact Rating Form, available at NRCS offices, for determination of whether the site is farmland subject to the Act. If neither the entire site nor any part of it are subject to the Act, then the Act will not apply and NRCS will so notify the agency. If the site is determined by NRCS to be subject to the Act, then NRCS will measure the relative value of the site as farmland on a scale of 0 to 100 according to the information sources listed in Sec. 658.5(a). NRCS will respond to these requests within 10 working days of their receipt except that in cases where a site visit or land evaluation system design is needed, NRCS will respond in 30 working days. In the event that NRCS fails to complete its response within the required period, if further delay would interfere with construction activities, the agency should proceed as though the site were not farmland.

(b) The Form AD 1006, returned to the agency by NRCS will also include the following incidental information: The total amount of farmable land (the land in the unit of local government's jurisdiction that is capable of producing the commonly grown crop); the percentage of the jurisdiction that is farmland covered by the Act; the percentage of farmland in the jurisdiction that the project would convert; and the percentage of farmland in the local government's jurisdiction with the same or higher relative value than the land that the project would convert. These statistics will not be part of the criteria scoring process, but are intended simply to furnish additional background information to Federal agencies to aid them in considering the effects of their projects on farmland.

(c) After the agency receives from NRCS the score of a site's relative value as described in Sec. 658.4(a) and then applies the site assessment criteria which are set forth in Sec. 658.5 (b) and (c), the agency will assign to the site a combined score of up to 260 points, composed of up to 100 points for relative value and up to 160 points for the site assessment. With this score the agency will be able to identify the effect of its programs on farmland, and make a determination as to the suitability of the site for protection as farmland. Once this score

is computed, USDA recommends:

(1) Sites with the highest combined scores be regarded as most suitable for protection under these criteria and sites with the lowest scores, as least suitable.

(2) Sites receiving a total score of less than 160 need not be given further consideration for protection and no additional sites need to be evaluated.

(3) Sites receiving scores totaling 160 or more be given increasingly higher levels of consideration for protection.

(4) When making decisions on proposed actions for sites receiving scores

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totaling 160 or more, agency personnel consider:

(i) Use of land that is not farmland or use of existing structures;

(ii) Alternative sites, locations and designs that would serve the proposed purpose but convert either fewer acres of farmland or other farmland that has a lower relative value;

(iii) Special siting requirements of the proposed project and the extent to which an alternative site fails to satisfy the special siting requirements as well as the originally selected site.

(d) Federal agencies may elect to assign the site assessment criteria relative weightings other than those shown in Sec. 658.5 (b) and (c). If an agency elects to do so, USDA recommends that the agency adopt its alternative weighting system (1) through rulemaking in consultation with USDA, and (2) as a system to be used uniformly throughout the agency. USDA recommends that the weightings stated in Sec. 658.5 (b) and (c) be used until an agency issues a final rule to change the weightings.

(e) It is advisable that evaluations and analyses of prospective farmland conversion impacts be made early in the planning process before a site or design is selected, and that, where possible, agencies make the FPPA evaluations part of the National Environmental Policy Act (NEPA) process. Under the agency's own NEPA regulations, some categories of projects may be excluded from NEPA which may still be covered under the FPPA. Section 1540(c)(4) of the Act exempts projects that were beyond the planning stage and were in either the active design or construction state on the effective date of the Act. Section 1547(b) exempts acquisition or use of farmland for national defense purposes. There are no other exemptions of projects by category in the Act.

(f) Numerous States and units of local government are developing and adopting Land Evaluation and Site Assessment (LESA) systems to evaluate the productivity of agricultural land and its suitability for conversion to nonagricultural use. Therefore, States and units of local government may have already performed an evaluation using criteria similar to those contained in this rule applicable to Federal agencies. USDA recommends that where sites are to be evaluated within a jurisdiction having a State or local LESA system that has been approved by the governing body of such jurisdiction and has been placed on the NRCS State conservationist's list as one which meets the purpose of the FPPA in balance with other public policy objectives, Federal agencies use that system to make the evaluation.

(g) To meet reporting requirements of section 1546 of the Act, 7 U.S.C. 4207, and for data collection purposes, after the agency has made a final decision on a project in which one or more of the alternative sites contain farmland subject to the FPPA, the agency is requested to return a copy of the Form AD-1006, which indicates the final decision of the agency, to the NRCS field office.

(h) Once a Federal agency has performed an analysis under the FPPA for the conversion of a site, that agency's, or a second Federal agency's determination with regard to additional assistance or actions on the same site do not require additional redundant FPPA analysis.



twahler@co.slo.ca.us

05/22/03 12:58 PM

To: Ryan_Todaro@dot.ca.gov

cc:

Subject: Re: Williamson Act

Ryan,

After evaluating the size of the parcels in the contract and the allowed minimum parcel size, it does not appear that the small amount of land associated with the proposed right-of-way acquisition would significantly impact the agricultural use of the land nor would it jeopardize the contract.

Ryan_Todaro@dot.c
a.gov

05/20/2003 10:25
AM

To: twahler@co.slo.ca.us
cc:
Subject: Williamson Act

Terry..... Please evaluate the potential right-of-way take to determine whether or not it would impact this property owner's Williamson Act contract. As you requested I have include the following information:

APN: 013-171-016

Parcel Size: 327 acres/132.3 hectares

Potential Right of Way take: 3.29 acres/1.23 hectares (2.87 acres/1.16 hectares is grazing land, 0.42 acres/0.17 hectares is farmland of local potential)

I've also attached an aerial map: (See attached file: frmlnd_051403.pdf)

If you have any questions or need additional information, please contact me. Thanks

Ryan Todaro

Associate Environmental Planner

District 5 Caltrans

(805) 549-3096 (See attached file: frmlnd_051403.pdf)



frmlnd 051403.pdf

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 – Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.

Step 2 – Originator will send copies A, B and C together with maps indicating locations of site(s), to the Natural Resources Conservation Service (NRCS) local field office and retain copy D for their files. (Note: NRCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the NRCS State Conservationist in each state).

Step 3 – NRCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step 4 – In cases where farmland covered by the FPPA will be converted by the proposed project, NRCS field offices will complete Parts II, IV and V of the form.

Step 5 – NRCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for NRCS records).

Step 6 – The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 – The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

Part I: In completing the "County And State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

Part III: In completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

Part VI: Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5 (b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will be weighed zero, however, criterion #8 will be weighed a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and alternative Site "A" is rated 180 points:

Total points assigned Site A = $180 \times 160 = 144$ points for Site "A."

Maximum points possible 200

Site Assessment Scoring for the Twelve Factors Used in FPPA

The Site Assessment criteria used in the Farmland Protection Policy Act (FPPA) rule are designed to assess important factors other than the agricultural value of the land when determining which alternative sites should receive the highest level of protection from conversion to non agricultural uses.

Twelve factors are used for Site Assessment and ten factors for corridor-type sites. Each factor is listed in an outline form, without detailed definitions or guidelines to follow in the rating process. The purpose of this document is to expand the definitions of use of each of the twelve Site Assessment factors so that all persons can have a clear understanding as to what each factor is intended to evaluate and how points are assigned for given conditions.

In each of the 12 factors a number rating system is used to determine which sites deserve the most protection from conversion to non-farm uses. The higher the number value given to a proposed site, the more protection it will receive. The maximum scores are 10, 15 and 20 points, depending upon the relative importance of each particular question. If a question significantly relates to why a parcel of land should not be converted, the question has a maximum possible protection value of 20, whereas a question which does not have such a significant impact upon whether a site would be converted, would have fewer maximum points possible, for example 10.

The following guidelines should be used in rating the twelve Site Assessment criteria:

1. How much land is in non-urban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent:	15 points
90-20 percent:	14 to 1 points
Less than 20 percent:	0 points

This factor is designed to evaluate the extent to which the area within one mile of the proposed site is non-urban area. For purposes of this rule, "non-urban" should include:

- Agricultural land (crop-fruit trees, nuts, oilseed)
- Range land
- Forest land
- Golf Courses
- Non paved parks and recreational areas
- Mining sites
- Farm Storage
- Lakes, ponds and other water bodies
- Rural roads, and through roads without houses or buildings
- Open space
- Wetlands
- Fish production
- Pasture or hayland

Urban uses include:

- Houses (other than farm houses)
- Apartment buildings
- Commercial buildings
- Industrial buildings
- Paved recreational areas (i.e. tennis courts)
- Streets in areas with 30 structures per 40 acres
- Gas stations

- Equipment, supply stores
- Off-farm storage
- Processing plants
- Shopping malls
- Utilities/Services
- Medical buildings

In rating this factor, an area one-mile from the outer edge of the proposed site should be outlined on a current photo; the areas that are urban should be outlined. For rural houses and other buildings with unknown sizes, use 1 and 1/3 acres per structure. For roads with houses on only one side, use one half of road for urban and one half for non-urban.

The purpose of this rating process is to insure that the most valuable and viable farmlands are protected from development projects sponsored by the Federal Government. With this goal in mind, factor S1 suggests that the more agricultural lands surrounding the parcel boundary in question, the more protection from development this site should receive. Accordingly, a site with a large quantity of non-urban land surrounding it will receive a greater number of points for protection from development. Thus, where more than 90 percent of the area around the proposed site (do not include the proposed site in this assessment) is non-urban, assign 15 points. Where 20 percent or less is non-urban, assign 0 points. Where the area lies between 20 and 90 percent non-urban, assign appropriate points from 14 to 1, as noted below.

Percent Non-Urban Land within 1 mile	Points
90 percent or greater	15
85 to 89 percent	14
80 to 84 percent	13
75 to 79 percent	12
70 to 74 percent	11
65 to 69 percent	10
60 to 64 percent	9
55 to 59 percent	8
50 to 54 percent	7
45 to 49 percent	6
40 to 44 percent	5
35 to 39 percent	4
30 to 34 percent	3
25 to 29 percent	2
21 to 24 percent	1
20 percent or less	0

2. How much of the perimeter of the site borders on land in non-urban use?

More than 90 percent:	10 points
90 to 20 percent:	9 to 1 point(s)
Less than 20 percent:	0 points

This factor is designed to evaluate the extent to which the land adjacent to the proposed site is non-urban use. Where factor #1 evaluates the general location of the proposed site, this factor evaluates the immediate perimeter of the site. The definition of urban and non-urban uses in factor #1 should be used for this factor.

In rating the second factor, measure the perimeter of the site that is in non-urban and urban use. Where more than 90 percent of the perimeter is in non-urban use, score this factor 10 points. Where less than 20 percent, assign 0 points. If a road is next to the perimeter, class the area according to the

use on the other side of the road for that area. Use 1 and 1/3 acre per structure if not otherwise known. Where 20 to 90 percent of the perimeter is non-urban, assign points as noted below:

Percentage of Perimeter Bordering Land	Points
90 percent or greater	10
82 to 89 percent	9
74 to 81 percent	8
65 to 73 percent	7
58 to 65 percent	6
50 to 57 percent	5
42 to 49 percent	4
34 to 41 percent	3
27 to 33 percent	2
21 to 26 percent	1
20 percent or Less	0

3. How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last ten years?

More than 90 percent:	20 points
90 to 20 percent:	19 to 1 point(s)
Less than 20 percent:	0 points

This factor is designed to evaluate the extent to which the proposed conversion site has been used or managed for agricultural purposes in the past 10 years.

Land is being farmed when it is used or managed for food or fiber, to include timber products, fruit, nuts, grapes, grain, forage, oil seed, fish and meat, poultry and dairy products.

Land that has been left to grow up to native vegetation without management or harvest will be considered as abandoned and therefore not farmed. The proposed conversion site should be evaluated and rated according to the percent, of the site farmed.

If more than 90 percent of the site has been farmed 5 of the last 10 years score the site as follows:

Percentage of Site Farmed	Points
90 percent or greater	20
86 to 89 percent	19
82 to 85 percent	18
78 to 81 percent	17
74 to 77 percent	16
70 to 73 percent	15
66 to 69 percent	14
62 to 65 percent	13
58 to 61 percent	12
54 to 57 percent	11
50 to 53 percent	10
46 to 49 percent	9
42 to 45 percent	8
38 to 41 percent	7
35 to 37 percent	6
32 to 34 percent	5
29 to 31 percent	4
26 to 28 percent	3

23 to 25 percent	2
20 to 22 percent percent or Less	1
Less than 20 percent	0

4. Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected:	20 points
Site is not protected:	0 points

This factor is designed to evaluate the extent to which state and local government and private programs have made efforts to protect this site from conversion.

State and local policies and programs to protect farmland include:

State Policies and Programs to Protect Farmland

1. Tax Relief:

A. Differential Assessment: Agricultural lands are taxed on their agricultural use value, rather than at market value. As a result, farmers pay fewer taxes on their land, which helps keep them in business, and therefore helps to insure that the farmland will not be converted to nonagricultural uses.

1. Preferential Assessment for Property Tax: Landowners with parcels of land used for agriculture are given the privilege of differential assessment.
2. Deferred Taxation for Property Tax: Landowners are deterred from converting their land to nonfarm uses, because if they do so, they must pay back taxes at market value.
3. Restrictive Agreement for Property Tax: Landowners who want to receive Differential Assessment must agree to keep their land in - eligible use.

B. Income Tax Credits

Circuit Breaker Tax Credits: Authorize an eligible owner of farmland to apply some or all of the property taxes on his or her farmland and farm structures as a tax credit against the owner's state income tax.

C. Estate and Inheritance Tax Benefits

Farm Use Valuation for Death Tax: Exemption of state tax liability to eligible farm estates.

2. "Right to farm" laws:

Prohibits local governments from enacting laws which will place restrictions upon normally accepted farming practices, for example, the generation of noise, odor or dust.

3. Agricultural Districting:

Wherein farmers voluntarily organize districts of agricultural land to be legally recognized geographic areas. These farmers receive benefits, such as protection from annexation, in exchange for keeping land within the district for a given number of years.

4. Land Use Controls: Agricultural Zoning.

Types of Agricultural Zoning Ordinances include:

- A. Exclusive: In which the agricultural zone is restricted to only farm-related dwellings, with, for example, a minimum of 40 acres per dwelling unit.
- B. Non-Exclusive: In which non-farm dwellings are allowed, but the density remains low, such as 20 acres per dwelling unit.

Additional Zoning techniques include:

- A. Sliding Scale: This method looks at zoning according to the total size of the parcel owned. For example, the number of dwelling units per a given number of acres may change from county to county according to the existing land acreage to dwelling unit ratio of surrounding parcels of land within the specific area.

- B. Point System or Numerical Approach: Approaches land use permits on a case by case basis.

LESA: The LESA system (Land Evaluation-Site Assessment) is used as a tool to help assess options for land use on an evaluation of productivity weighed against commitment to urban development.

- C. Conditional Use: Based upon the evaluation on a case by case basis by the Board of Zoning Adjustment. Also may include the method of using special land use permits.

5. Development Rights:

- A. Purchase of Development Rights (PDR): Where development rights are purchased by Government action.

Buffer Zoning Districts: Buffer Zoning Districts are an example of land purchased by Government action. This land is included in zoning ordinances in order to preserve and protect agricultural lands from non-farm land uses encroaching upon them.

- B. Transfer of Development Rights (TDR): Development rights are transferable for use in other locations designated as receiving areas. TDR is considered a locally based action (not state), because it requires a voluntary decision on the part of the individual landowners.

6. Governor's Executive Order: Policy made by the Governor, stating the importance of agriculture, and the preservation of agricultural lands. The Governor orders the state agencies to avoid the unnecessary conversion of important farmland to nonagricultural uses.

7. Voluntary State Programs:

- A. California's Program of Restrictive Agreements and Differential Assessments: The California Land Conservation Act of 1965, commonly known as the Williamson Act, allows cities, counties and individual landowners to form agricultural preserves and enter into contracts for 10 or more years to insure that these parcels of land remain strictly for agricultural use. Since 1972 the Act has extended eligibility to recreational and open space lands such as scenic highway corridors, salt ponds and wildlife preserves. These contractually restricted lands may be taxed differentially for their real value. One hundred-acre districts constitute the minimum land size eligible.

Suggestion: An improved version of the Act would state that if the land is converted after the contract expires, the landowner must pay the difference in the taxes between market value for the land and the agricultural tax value which he or she had been

paying under the Act. This measure would help to insure that farmland would not be converted after the 10 year period ends.

- B. Maryland Agricultural Land Preservation Program: Agricultural landowners within agricultural districts have the opportunity to sell their development rights to the Maryland Land Preservation Foundation under the agreement that these landowners will not subdivide or develop their land for an initial period of five years. After five years the landowner may terminate the agreement with one year notice.

As is stated above under the California Williamson Act, the landowner should pay the back taxes on the property if he or she decides to convert the land after the contract expires, in order to discourage such conversions.

- C. Wisconsin Income Tax Incentive Program: The Wisconsin Farmland Preservation Program of December 1977 encourages local jurisdictions in Wisconsin to adopt agricultural preservation plans or exclusive agricultural district zoning ordinances in exchange for credit against state income tax and exemption from special utility assessment. Eligible candidates include local governments and landowners with at least 35 acres of land per dwelling unit in agricultural use and gross farm profits of at least \$6,000 per year, or \$18,000 over three years.

8. Mandatory State Programs:

- A. The Environmental Control Act in the state of Vermont was adopted in 1970 by the Vermont State Legislature. The Act established an environmental board with 9 members (appointed by the Governor) to implement a planning process and a permit system to screen most subdivisions and development proposals according to specific criteria stated in the law. The planning process consists of an interim and a final Land Capability and Development Plan, the latter of which acts as a policy plan to control development. The policies are written in order to:

- prevent air and water pollution;
- protect scenic or natural beauty, historic sites and rare and irreplaceable natural areas; and
- consider the impacts of growth and reduction of development on areas of primary agricultural soils.

- B. The California State Coastal Commission: In 1976 the Coastal Act was passed to establish a permanent Coastal Commission with permit and planning authority. The purpose of the Coastal Commission was and is to protect the sensitive coastal zone environment and its resources, while accommodating the social and economic needs of the state. The Commission has the power to regulate development in the coastal zones by issuing permits on a case by case basis until local agencies can develop their own coastal plans, which must be certified by the Coastal Commission.

- C. Hawaii's Program of State Zoning: In 1961, the Hawaii State Legislature established Act 187, the Land Use Law, to protect the farmland and the welfare of the local people of Hawaii by planning to avoid "unnecessary urbanization". The Law made all state lands into four districts: agricultural, conservation, rural and urban. The Governor appointed members to a State Land Use Commission, whose duties were to uphold the Law and form the boundaries of the four districts. In addition to state zoning, the Land Use Law introduced a program of Differential Assessment, wherein agricultural landowners paid taxes on their land for its agricultural use value, rather than its market value.

- D. The Oregon Land Use Act of 1973: This act established the Land Conservation and Development Commission (LCDC) to provide statewide planning goals and guidelines.

Under this Act, Oregon cities and counties are each required to draw up a comprehensive plan, consistent with statewide planning goals. Agricultural land preservation is high on the list of state goals to be followed locally.

If the proposed site is subject to or has used one or more of the above farmland protection programs or policies, score the site 20 points. If none of the above policies or programs apply to this site, score 0 points.

5. How close is the site to an urban built-up area?

The site is 2 miles or more from an urban built-up area	15 points
The site is more than 1 mile but less than 2 miles from an urban built-up area	10 points
The site is less than 1 mile from, but is not adjacent to an urban built-up area	5 points
The site is adjacent to an urban built-up area	0 points

This factor is designed to evaluate the extent to which the proposed site is located next to an existing urban area. The urban built-up area must be 2500 population. The measurement from the built-up area should be made from the point at which the density is 30 structures per 40 acres and with no open or non-urban land existing between the major built-up areas and this point. Suburbs adjacent to cities or urban built-up areas should be considered as part of that urban area.

For greater accuracy, use the following chart to determine how much protection the site should receive according to its distance from an urban area. See chart below:

Distance From Perimeter of Site to Urban Area	Points
More than 10,560 feet	15
9,860 to 10,559 feet	14
9,160 to 9,859 feet	13
8,460 to 9,159 feet	12
7,760 to 8,459 feet	11
7,060 to 7,759 feet	10
6,360 to 7,059 feet	9
5,660 to 6,359 feet	8
4,960 to 5,659 feet	7
4,260 to 4,959 feet	6
3,560 to 4,259 feet	5
2,860 to 3,559 feet	4
2,160 to 2,859 feet	3
1,460 to 2,159 feet	2
760 to 1,459 feet	1
Less than 760 feet (adjacent)	0

6. How close is the site to water lines, sewer lines and/or other local facilities and services whose capacities and design would promote nonagricultural use?

None of the services exist nearer than 3 miles from the site	15 points
Some of the services exist more than one but less than 3 miles from the site	10 points
All of the services exist within 1/2 mile of the site	0 points

This question determines how much infrastructure (water, sewer, etc.) is in place which could facilitate nonagricultural development. The fewer facilities in place, the more difficult it is to develop an area. Thus, if a proposed site is further away from these services (more than 3 miles distance away), the site should be awarded the highest number of points (15). As the distance of the parcel of land to services decreases, the number of points awarded declines as well. So, when the site is equal to or further than 1 mile but less than 3 miles away from services, it should be given 10 points. Accordingly, if this distance is 1/2 mile to less than 1 mile, award 5 points; and if the distance from land to services is less than 1/2 mile, award 0 points.

Distance to public facilities should be measured from the perimeter of the parcel in question to the nearest site(s) where necessary facilities are located. If there is more than one distance (i.e. from site to water and from site to sewer), use the average distance (add all distances and then divide by the number of different distances to get the average).

Facilities which could promote nonagricultural use include:

- Water lines
- Sewer lines
- Power lines
- Gas lines
- Circulation (roads)
- Fire and police protection
- Schools

7. Is the farm unit(s) containing the site (before the project) as large as the average-size farming unit in the county? (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage of Farm Units in Operation with \$1,000 or more in sales.)

As large or larger:	10 points
Below average: Deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more is below average	9 to 0 points

This factor is designed to determine how much protection the site should receive, according to its size in relation to the average size of farming units within the county. The larger the parcel of land, the more agricultural use value the land possesses, and vice versa. Thus, if the farm unit is as large or larger than the county average, it receives the maximum number of points (10). The smaller the parcel of land compared to the county average, the fewer number of points given. Please see below:

Parcel Size in Relation to Average County Size	Points
Same size or larger than average (100 percent)	10
95 percent of average	9
90 percent of average	8
85 percent of average	7
80 percent of average	6
75 percent of average	5
70 percent of average	4
65 percent of average	3
60 percent of average	2
55 percent of average	1
50 percent or below county average	0

State and local Natural Resources Conservation Service offices will have the average farm size information, provided by the latest available Census of Agriculture data

8. If this site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project	10 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project	9 to 1 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project	0 points

This factor tackles the question of how the proposed development will affect the rest of the land on the farm. The site which deserves the most protection from conversion will receive the greatest number of points, and vice versa. For example, if the project is small, such as an extension on a house, the rest of the agricultural land would remain farmable, and thus a lower number of points is given to the site. Whereas if a large-scale highway is planned, a greater portion of the land (not including the site) will become non-farmable, since access to the farmland will be blocked; and thus, the site should receive the highest number of points (10) as protection from conversion.

Conversion uses of the Site Which Would Make the Rest of the Land Non-Farmable by Interfering with Land Patterns

Conversions which make the rest of the property nonfarmable include any development which blocks accessibility to the rest of the site. Examples are highways, railroads, dams or development along the front of a site restricting access to the rest of the property.

The point scoring is as follows:

Amount of Land Not Including the Site Which Will Become Non-Farmable	Points
25 percent or greater	10
23 - 24 percent	9
21 - 22 percent	8
19 - 20 percent	7
17 - 18 percent	6
15 - 16 percent	5
13 - 14 percent	4
11 - 12 percent	3
9 - 11 percent	2
6 - 8 percent	1
5 percent or less	0

9. Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available	5 points
Some required services are available	4 to 1 point(s)
No required services are available	0 points

This factor is used to assess whether there are adequate support facilities, activities and industry to keep the farming business in business. The more support facilities available to the agricultural

landowner, the more feasible it is for him or her to stay in production. In addition, agricultural support facilities are compatible with farmland. This fact is important, because some land uses are not compatible; for example, development next to farmland can be dangerous to the welfare of the agricultural land, as a result of pressure from the neighbors who often do not appreciate the noise, smells and dust intrinsic to farmland. Thus, when all required agricultural support services are available, the maximum number of points (5) are awarded. When some services are available, 4 to 1 point(s) are awarded; and consequently, when no services are available, no points are given. See below:

Percent of Services Available	Points
100 percent	5
75 to 99 percent	4
50 to 74 percent	3
25 to 49 percent	2
1 to 24 percent	1
No services	0

10. Does the site have substantial and well-maintained on farm investments such as barns, other storage buildings, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment	20 points
Moderate amount of non-farm investment	19 to 1 point(s)
No on-farm investments	0 points

This factor assesses the quantity of agricultural facilities in place on the proposed site. If a significant agricultural infrastructure exists, the site should continue to be used for farming, and thus the parcel will receive the highest amount of points towards protection from conversion or development. If there is little on farm investment, the site will receive comparatively less protection. See-below:

Amount of On-farm Investment	Points
As much or more than necessary to maintain production (100 percent)	20
95 to 99 percent	19
90 to 94 percent	18
85 to 89 percent	17
80 to 84 percent	16
75 to 79 percent	15
70 to 74 percent	14
65 to 69 percent	13
60 to 64 percent	12
55 to 59 percent	11
50 to 54 percent	10
45 to 49 percent	9
40 to 44 percent	8
35 to 39 percent	7
30 to 34 percent	6
25 to 29 percent	5
20 to 24 percent	4
15 to 19 percent	3
10 to 14 percent	2
5 to 9 percent	1
0 to 4 percent	0

11. Would the project at this site, by converting farmland to nonagricultural use, reduce the support for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted	10 points
Some reduction in demand for support services if the site is converted	9 to 1 point(s)
No significant reduction in demand for support services if the site is converted	0 points

This factor determines whether there are other agriculturally related activities, businesses or jobs dependent upon the working of the pre-converted site in order for the others to remain in production. The more people and farming activities relying upon this land, the more protection it should receive from conversion. Thus, if a substantial reduction in demand for support services were to occur as a result of conversions, the proposed site would receive a high score of 10; some reduction in demand would receive 9 to 1 point(s), and no significant reduction in demand would receive no points.

Specific points are outlined as follows:

Amount of Reduction in Support Services if Site is Converted to Nonagricultural Use	Points
Substantial reduction (100 percent)	10
90 to 99 percent	9
80 to 89 percent	8
70 to 79 percent	7
60 to 69 percent	6
50 to 59 percent	5
40 to 49 percent	4
30 to 39 percent	3
20 to 29 percent	2
10 to 19 percent	1
No significant reduction (0 to 9 percent)	0

12. Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of the surrounding farmland to nonagricultural use?

Proposed project is incompatible with existing agricultural use of surrounding farmland	10 points
Proposed project is tolerable of existing agricultural use of surrounding farmland	9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland	0 points

Factor 12 determines whether conversion of the proposed agricultural site will eventually cause the conversion of neighboring farmland as a result of incompatibility of use of the first with the latter. The more incompatible the proposed conversion is with agriculture, the more protection this site receives from conversion. Therefore, if the proposed conversion is incompatible with agriculture, the site receives 10 points. If the project is tolerable with agriculture, it receives 9 to 1 points; and if the proposed conversion is compatible with agriculture, it receives 0 points.

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor-type site or design alternative for protection as farmland along with the land evaluation information.

For Water and Waste Programs, corridor analyses are not applicable for distribution or collection networks. Analyses are applicable for transmission or trunk lines where placement of the lines are flexible.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

- | | |
|--------------------------|-----------------------|
| (2) More than 90 percent | (3) 15 points |
| (4) 90 to 20 percent | (5) 14 to 1 point(s). |
| (6) Less than 20 percent | (7) 0 points |

(2) How much of the perimeter of the site borders on land in nonurban use?

- | | |
|--------------------------|-------------------|
| (3) More than 90 percent | (4) 10 point(s) |
| (5) 90 to 20 percent | (6) 9 to 1 points |
| (7) less than 20 percent | (8) 0 points |

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

- | | |
|--------------------------|----------------------|
| (4) More than 90 percent | (5) 20 points |
| (6) 90 to 20 percent | (7) 19 to 1 point(s) |
| (8) Less than 20 percent | (9) 0 points |

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

- | | |
|-----------------------|-----------|
| Site is protected | 20 points |
| Site is not protected | 0 points |

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County? (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage of Farm Units in Operation with \$1,000 or more in sales.)

- | | |
|---|---------------|
| As large or larger | 10 points |
| Below average deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average | 9 to 0 points |

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

- | | |
|--|------------------|
| Acreage equal to more than 25 percent of acres directly converted by the project | 25 points |
| Acreage equal to between 25 and 5 percent of the acres directly converted by the project | 1 to 24 point(s) |
| Acreage equal to less than 5 percent of the acres directly converted by the project | 0 points |

- (7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available	5 points
Some required services are available	4 to 1 point(s)
No required services are available	0 points

- (8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment	20 points
Moderate amount of on-farm investment	19 to 1 point(s)
No on-farm investment	0 points

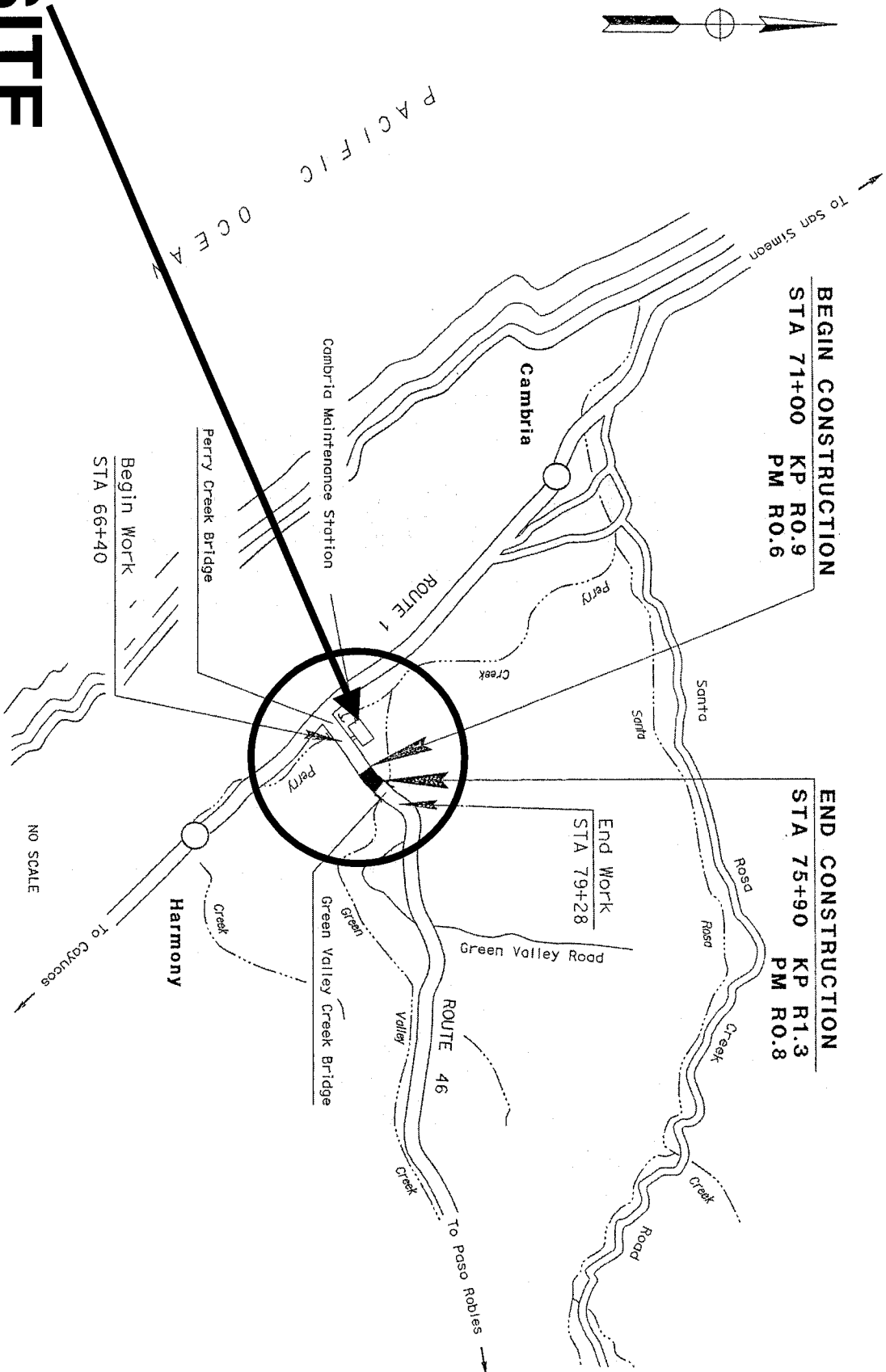
- (9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted	25 points
Some reduction in demand for support services if the site is converted	1 to 24 point(s)
No significant reduction in demand for support services if the site is converted	0 points

- (10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible to existing agricultural use of surrounding farmland	10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland	9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland	0 points

SITE



PROJECT

Minor Use Permit
CalTrans DRC2005-00197



EXHIBIT

Vicinity Map



SITE

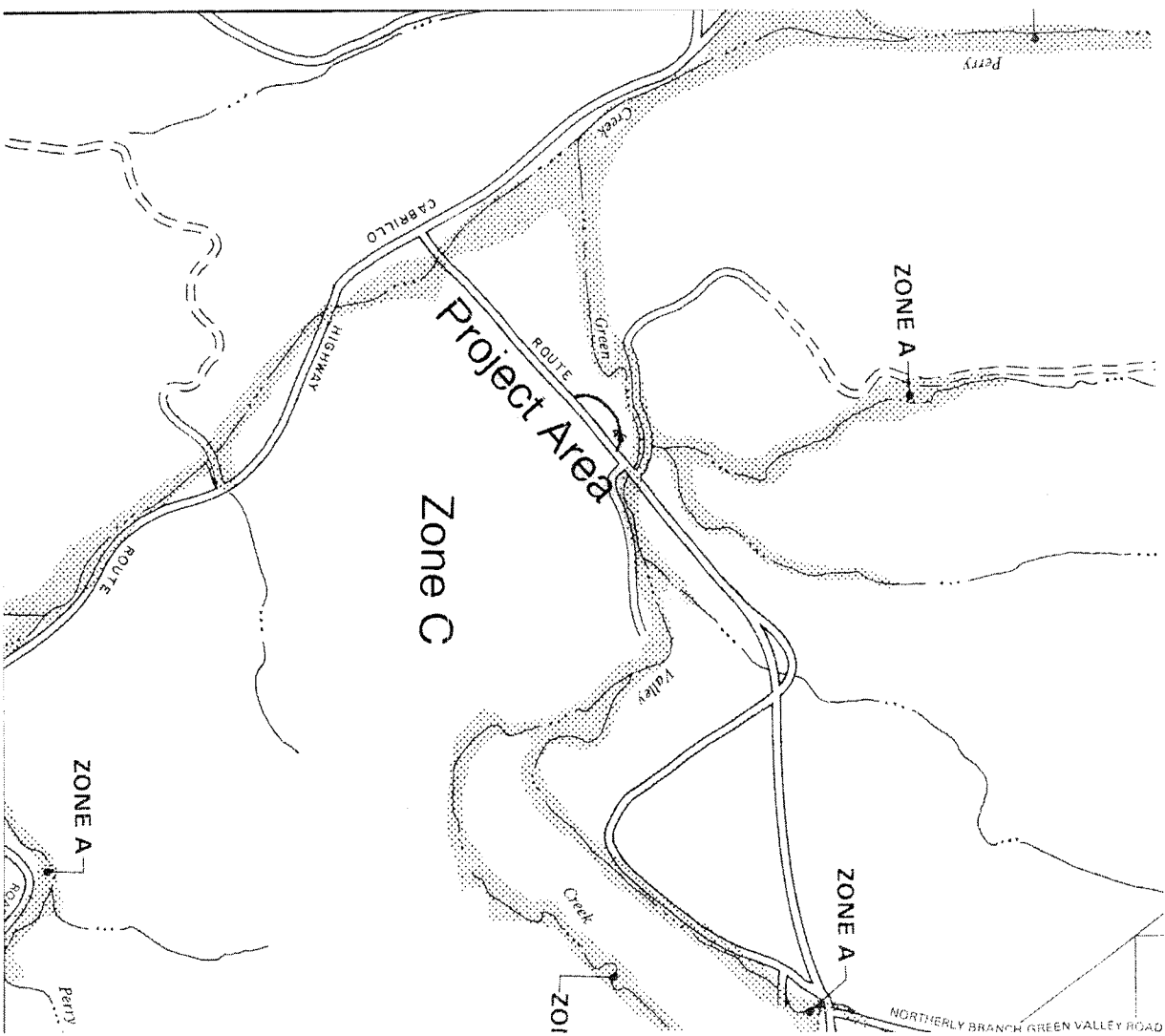
PROJECT

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EXHIBIT

Land Use Category Map



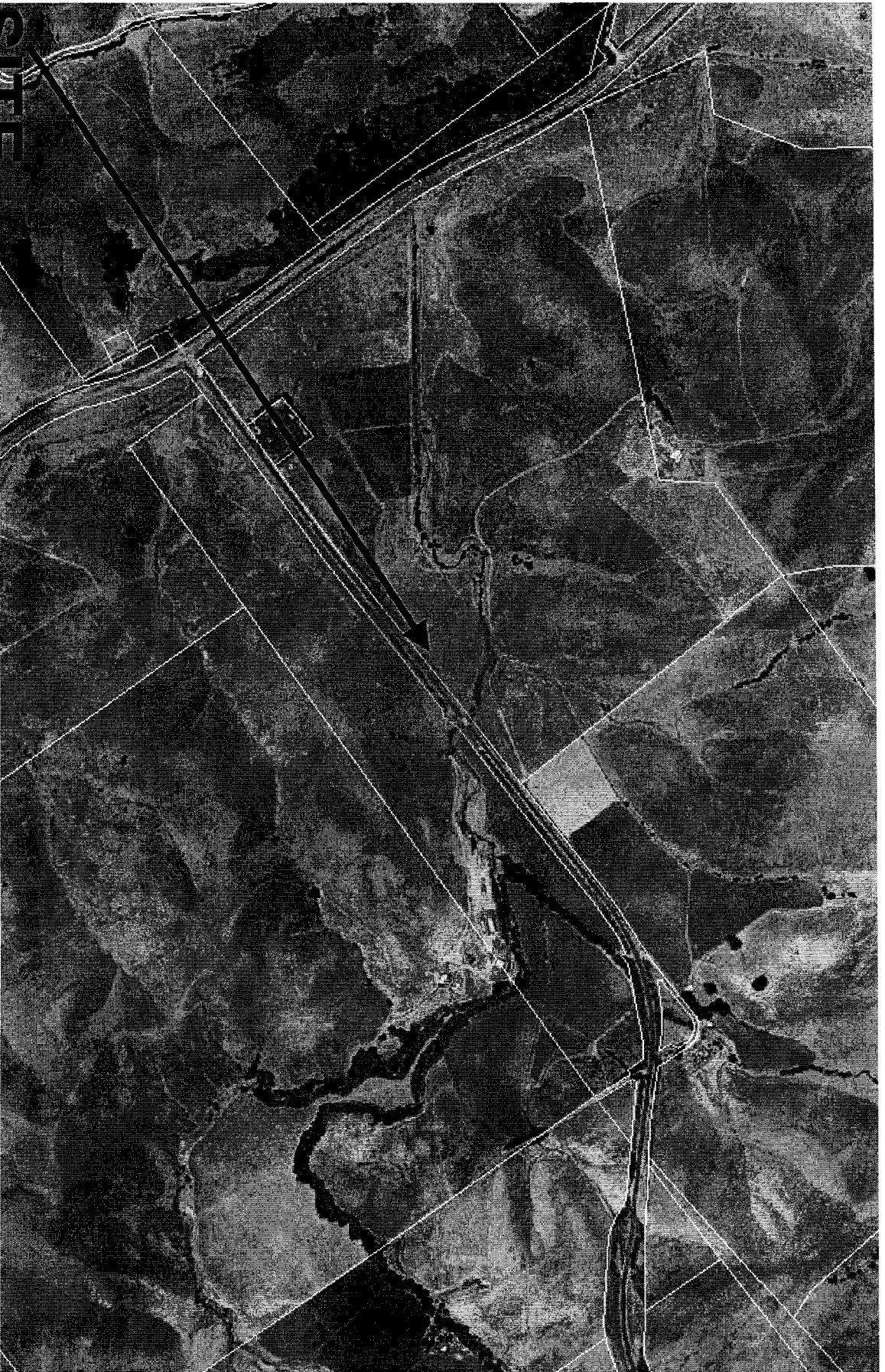
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EXHIBIT

Site Plan



SITE

PROJECT

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EXHIBIT

Aerial Photograph